

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
November 10, 2015 @ 7:00 PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Council Members Harry Kent, Steve Maneri, and Susan Brewer; Town Solicitor Seth Thompson, AECOM representative Kyle Gulbranson, and Town Executive Assistant Matt Amerling.

1. CALL TO ORDER:

Mayor Gerry Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – September 8, 2015

B. Adoption of Town Council Workshop Minutes – October 27, 2015

Council Member Susan Brewer stated there was a slight error on page two, in the second paragraph, on the September 8, 2015, Town Council meeting minutes where her name was mentioned twice by accident. Council Member Steve Maneri motioned to approve the Council minutes for September 8, 2015, with the corrections as noted by Council Member Susan Brewer, and the Council workshop minutes for October 27, 2015. Council Member Harry Kent seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer

A. October 2015

Treasurer Harry Kent read the Financial Report for the month ending 10/31/15.

October 31, 2015:

General Revenue: \$ 72,503. General Expenses: \$ 40,787.

Restricted Revenue: 96,049. Restricted Expenses: 32,894.

Deputy Mayor Bob Gordon motioned to approve the Treasurer's Report for the month ending October 31, 2015. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for October 2015 – Town Manager

There were no comments.

6. NEW BUSINESS

A. Discuss and possible vote on the modification of side lot lines of four (4) parcels, lots one-hundred-eighty-nine (189) through one-hundred-ninety-two (192), in the subdivision known as Coventry. *Synopsis:* The Planning & Zoning (P&Z) Commission, at its regular meeting on October 26, 2015, voted 2-0 with one abstention, recommending the Town Council to

approve the modification.

Council Member Kent recused himself from the dais.

Mr. Robert Harris, of Tyre Farm, LLC, stated he is before Council tonight because his company wanted to readjust some property lines on four (4) lots in the community of Coventry. Mr. Harris stated the four (4) lots are adjacent to each other so the outside lot lines will remain the same, and the only thing which will change are the three (3) internal lot lines, which are being adjusted to bring the lots into conformity to be about the same size, so Tyre Farm LLC may build pretty much the same size houses on those four (4) lots. Mr. Harris further stated all of the four (4) lots will still conform to the residential planned community (RPC) ordinance and the approval of this subdivision was made by the Town Council.

AECOM Representative Kyle Gulbranson stated this is a very simple application of shifting the lot lines and each lot still meets all of the Town requirements.

Mayor Hocker motioned to approve the modification of side lot lines of four (4) parcels, lots one-hundred-eighty-nine (189) through one-hundred-ninety-two (192), in the subdivision known as Coventry. Mr. Gordon seconded the motion. Ms. Brewer voted yes. Mr. Maneri voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Mr. Kent abstained. Motion carried 4-0-1 abstained.

B. Discuss and possible vote on a preliminary site plan submitted by Two Mini Inc., to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet. Synopsis: The Planning & Zoning (P&Z) Commission, at its regular meeting on September 14, 2015, reviewed the site plan. No recommendation was made due to the fact the P&Z wanted to review the architectural drawings. Since that time, the P&Z has disbanded; therefore, the site plan needs to be reviewed by the Town Council.

Mr. Gordon recused himself from the dais.

Mr. Jeff Clark, of LandTech Planning, representing applicant and owner, Mr. Peter Astorino, stated he is here because Mr. Astorino wanted to readjust some of the lot lines on the preliminary plan before Council tonight. Mr. Clark stated he recalls the Town meeting in March 2015 when the Town had adopted an ordinance which allowed a non-conforming use, such as this, to come before Planning & Zoning (P&Z) – now Council – and propose a one-time expansion of up to fifty (50) percent of the building footprint which is on the property now, so Mr. Astorino is applying that opportunity with tonight's application since it meets the Town's guidelines. Mr. Clark stated the existing gross floor area is 35,432-square feet, which is noted on the plan, and the three proposed buildings total 7500-square feet which is well below the fifty percent threshold which the Town's ordinance requires. Mr. Clark further stated the use of the proposed buildings is to be three (3) climate-controlled self-storage buildings, and there are three buildings being proposed rather than one because the State Fire Marshall requirements will not allow the applicant to construct a central building larger than 2500-square feet because the property has no central water. Mr. Clark stated the buildings being proposed tonight are each exactly at the 2500-square foot threshold and each building will be separated from each other by

at least fifteen (15) feet. Mr. Clark stated the three buildings will be identical and the floor plan is such that they will have a central corridor which has a climate control building and a door at each end of each building with a 10x10 box on the end of each in a utility room for HVAC control. Mr. Clark stated the setbacks meet the Town's requirements and there is not any major architectural work yet but it will be a part of the final site plan, but Mr. Clark stated he can say the siding will match the color of the current siding on the existing building.

Mr. Clark stated the buildings meet the Town's setback requirements, and Land Tech did adjust the property line between the two (2) lots which now allows the new proposed buildings to have side yards of sixteen (16) feet – whereas fifteen (15) feet is required – so Land Tech meets the requirement. Mr. Clark stated the existing daycare facility currently at the location will mostly be undisturbed, and the only disturbance will be a piece of the security fence next to the play area will be removed and the actual face/side of the building will become part of the security to join the fence on either end of the center planned building. Mr. Clark stated the Sussex Conservation District, because of the size of the site, has a standard plan review, which involves a sediment erosion control plan, and there will be no stormwater management. Mr. Clark stated he did speak with the Delaware Department of Transportation (DelDOT) and the mini-storage does not need any kind of entrance permit from DelDOT, but DelDOT will issue a "letter of no contention," which will be presented, along with the Sussex Conservation District approval, to the Town at the final hearing. Mr. Clark stated he and Mr. Astorino met with Mr. Duane Fox, who is with the State Fire Marshal's office, and these building configurations are the result of that meeting. Mr. Clark stated he will need to submit a formal application to Mr. Fox so he can review the architectural plans and other detailed plans. Mr. Clark further stated there will be no sanitation or sewer to these proposed buildings, because there is no need for water so there will be no need to get anything from Sussex County engineering. Mr. Clark stated in terms of the buildings, Land Tech will match the color and roof slope on the buildings which already exist.

Mr. Gulbranson stated the plan as presented meets all of the setback requirements for the Town. Mr. Gulbranson further stated the only issue which came up at the P&Z meeting was of refuse and trash as a Town property owner stated there is a lot of trash which blows off the property, and one of the issues is, when people move in to the storage units, and there is a piece of furniture which is unwanted, then the storage renter may disregard the furniture either next to or in the dumpster. Mr. Gulbranson stated Council may request an enclosure around the existing dumpster. Council Member Steve Maneri stated he noticed the dumpster overflowing and asked that an enclosure for the dumpster be placed so there will be a way to keep the trash from overflowing and/or being blown out of said dumpster.

Council Member Harry Kent asked if the new plan will significantly change any of the lighting in or around the vicinity. Mr. Gulbranson stated it was his understanding Land Tech was going to provide the lighting plan at the final review. Mr. Clark stated there will be lighting on the building itself near where the doors are located, but no pole lighting. Mr. Kent asked if these are limited access buildings, meaning are there just a very few entranceways to this buildings or will there be something like bay doors? Mr. Clark stated there is a center hallway in each building and the customer will access the unit from inside. Ms. Brewer asked if there was just one entrance to get into the inside hallway. Mr. Clark stated there are two doors to gain entrance into the building, one on either end. Mayor Hocker asked if the entrance to the storage building

will be twenty-four (24) hour access. Mr. Astorino stated yes, the access to the storage facility grounds will be by a code, and he is not sure if he wants to put whether the door will have a code access or not. Mayor Hocker stated it may be a good idea to get a code on the door because Mr. Astorino can have a record of who is coming and going in the facility and at what times. Mr. Maneri stated fire companies should have the same code to both get through the facility gate and into the building.

Mr. Kent asked, referring to the chain-link fence along the side of the daycare facility, how the children have access to the facility if the fence is being moved. Mr. Clark stated the children will no longer come in that direction but rather from “the Route 26 side” (a southern point as opposed to the eastern point). Mr. Kent asked if the paved-in area next to the gate is a fenced-in area as well. Mr. Clark stated there is an existing gate there but there is no plan on modifying it. Mr. Kent asked how the fire department will get trucks into the vicinity. Mr. Maneri stated he checked the place out and the gate has a very wide entrance, big enough to get the trucks in and out. Mayor Hocker stated the applicant may want to consider a video surveillance system for extra security measures. Mr. Kent asked if there were any issues with the expansion or the design standard. Mr. Thompson stated the Town design standards mentions the applicability being as any “new principle or accessory structure” or “structure where the building footprint is increased by a size of more than fifty (50) percent in area,” so this somewhat “dovetails” with the ordinance (16-01) which Council passed in August 2015. Mr. Kent asked if there was any conflict. Mr. Thompson stated no. Mr. Thompson stated the intent when one reads the purpose section of the design standards was for development and re-development on a larger scale, so it doesn’t seem to Mr. Thompson this is applicable in this context, mostly due to the square footage.

Mr. Kent motioned to approve the preliminary site plan submitted by Two Mini Inc., to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet, with the condition of adding an enclosure for the dumpster of the facilities. Council Member Steve Maneri seconded the motion. Ms. Brewer voted yes. Mr. Maneri voted yes. Mr. Kent voted yes. Mayor Hocker voted yes. Mr. Gordon abstained. Motion carried 4-0-1 abstained.

C. Discuss and possible vote on Ordinance 16-02, entitled Ordinance Regulating the Possession of Firearms, Ammunition, Components of Firearms, and Explosives in Municipal Buildings and Police Stations in the Town of Millville. Synopsis: Ordinance 16-02 is based on House Bill 192, which was adopted by the 148th General Assembly, to prohibit possession of firearms, ammunition, components of firearms, or explosives in municipal buildings and police stations.

Town Solicitor Seth Thompson stated the Town Charter does allow for the regulation of use of guns, air guns, spring guns, pistols, slingshots, and a lot of charters do so, but there is a section of the State Code which indicates that municipalities are not allowed to regulate the carrying of a firearm. Mr. Thompson further stated, last year, the legislature passed a bill indicating municipalities would be allowed to regulate the use to the extent it would be possessing a firearm or ammunition or components of firearms or explosives in a municipal building or police station. Mr. Thompson stated the definition is a little bit broader than just simply a regular municipal building, so, for instance, if the Town is holding a Town meeting in a non-

Town-owned building, but it is a Town Council meeting with Town officials, then said building would fall under the scope of the definition as being a “Town municipal building.” Mr. Thompson stated the intent is to prevent the notion that somebody would be able to openly carry a firearm as a means of intimidation. Mr. Thompson stated the municipalities have the choice to enact an ordinance like the State’s. Mr. Thompson further stated there are some sub-sections of exceptions, which are very important, such as sub-section E, which talks about the fact that law enforcement can continue to carry their firearm(s), receive ammunition shipments, and conduct firearm safety training. Mr. Thompson stated anybody who has a concealed carry permit can still have their firearm on their person. Mr. Thompson stated the penalties are up to \$200.00.

Mr. Kent asked if the Town were to have an annex building, would said building still get covered under this ordinance? Mr. Thompson stated yes, as long as there are Town employees or officials present in said building. Mr. Kent asked if there were part-time employees or interns in an arts and crafts/recreation building on the Town’s park, would the ordinance be in effect at said building? Mr. Thompson stated he does not think an arts and crafts building would be considered government business. Mr. Kent asked there would be a government-hired person working in the recreation building so does it apply? Mr. Thompson stated if the person is a Town paid employee, then the building would be covered under the ordinance. Ms. Brewer asked if Town volunteers would be considered under coverage of the ordinance. Mr. Thompson stated no, the ordinance only takes effect when the person present is an elected official or paid public employee. Town Executive Assistant Matt Amerling stated most times, volunteers are at the same events as paid public Town employees so they would be covered at such off-site events.

Ms. Brewer motioned to approve Ordinance 16-02, entitled Ordinance Regulating the Possession of Firearms, Ammunition, Components of Firearms, and Explosives in Municipal Buildings and Police Stations in the Town of Millville. Mr. Gordon seconded the motion. Ms. Brewer voted yes. Mr. Maneri voted yes. Mr. Kent voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Motion carried 5-0.

7. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments.

8. ANNOUNCEMENT OF NEXT MEETING – The next meeting will be the Town’s workshop on November 24, 2015.

9. ADJOURNMENT

Mr. Gordon motioned to adjourn the meeting at 7:38 p.m. Mr. Kent seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Executive Assistant